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July 30, 2021

MEMO ENDORSE
8/3/21

BY ECF AND FEDEX

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Motion to extend date to
Surrender Granted - New
Surrender date is Thursday,
October 7, 2021, before
2 P.M.
Colleen McMahon

Re: United States v. Joseph Bailey
19 Cr. 412 (CM)

Dear Judge McMahon:

We represent the defendant, Joseph Bailey, in the above-captioned matter. We write to respectfully request a 60-day adjournment of Mr. Bailey's surrender date, which is currently set for August 5, 2021.

As the Court is aware, Mr. Bailey was sentenced on December 22, 2020 to six months imprisonment to be followed by three years of supervised release. At the time of sentencing, the Court recommended that Mr. Bailey be designated to the FCI Otisville Camp to serve his sentence. The FCI Otisville Camp is both close to Mr. Bailey's home and would be able to accommodate Mr. Bailey's Orthodox Jewish religious needs. Mr. Bailey was scheduled to surrender to the Bureau of Prisons' custody on May 6, 2021. On March 25, 2021 Mr. Bailey suffered a heart attack. Thereafter, the Court adjourned Mr. Bailey's surrender date to August 5, 2021.

On July 26, 2021, the Probation Office of the Southern District of New York issued a designation letter to Mr. Bailey designating him to a medium-security facility in Butner, NC. The designation to Butner was a surprise to Mr. Bailey and his family, who were expecting Mr. Bailey to serve his sentence in the Otisville Camp, where they could visit him more easily. In addition to concerns about his family visiting Mr. Bailey, the placement in Butner would put Mr. Bailey in a facility with a higher security level than is typical for a non-violent first time offender like Mr. Bailey. Finally, it would be difficult for Mr. Bailey to surrender to Butner on August 5th as he had not previously made arrangements to travel to Butner, NC and had planned on having his wife drive him to Otisville.

It is our understanding that the Bureau of Prisons made this designation out of concern for Mr. Bailey's health. While we appreciate the BOP's concern for Mr. Bailey's health,

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we believe that Mr. Bailey can safely serve his sentence in Otisville. While Mr. Bailey did have a heart attack, he has recovered and no longer needs to wear the external vest that he wore between March and June. We, therefore, seek an adjournment of Mr. Bailey's surrender date to allow us an opportunity to request that the BOP reevaluate Mr. Bailey's designation in light of his improving health. An adjournment will also allow Mr. Bailey even more time to recover, further allaying any concerns about his health.

For the reasons set forth above, we respectfully request that the Court grant Mr. Bailey's request for an adjournment of his surrender date. We are advised by Assistant United States Attorney Dina McLeod that the Government does not object to this request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael Sardar', written in a cursive style.

Michael Sardar